



# City Council Agenda

Council President  
**Henry Perea**

Councilmembers

**Tom Boyajian**  
**Brian Calhoun**  
**Brad Castillo**

**Jerry Duncan**  
**Sal Quintero**  
**Daniel Ronquillo**, Acting President

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

**TUESDAY, OCTOBER 30, 2001**

**IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.**

**8:30 A.M.     **JOINT MEETING WITH THE REDEVELOPMENT AGENCY****

## **ROLL CALL**

Invocation by Pastor Mitch Ribera of the New Harvest Church

Pledge of Allegiance to the Flag

Proclamation of "GARY NELSON, TEACHER OF THE YEAR DAY" - Acting President Ronquillo

Proclamation of "FIGHT HUNGRY WEEK" - Councilmember Castillo

Proclamation of "SELECTIVE SERVICE AWARENESS MONTH" - Mayor and all Councilmembers

Proclamation of "RADIOLOGIC TECHNOLOGY WEEK"

Resolution of Commendation to Thistle Home and Garden Shop - Councilmember Boyajian

Resolution of Commendation to Americans with Disabilities - all Councilmembers

Presentation of Orchid Awards - Councilmember Calhoun (*\*to be presented at 9:00 a.m.*)

8:30 A.M.

**JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED**

Approve Agency minutes of October 16 , 2001

**Action Taken:**

- A. Receive report and give direction to staff regarding the Zahra Parking to construct a parking garage on Agency-owned property located at the northeast corner of Broadway and the Mariposa Mall (Central Business District) *(Council and Agency action) (Continued to 11/6/01)*

**Action Taken:**

**JOINT MEETING WITH THE REDEVELOPMENT AGENCY AND FRESNO JOINT POWERS FINANCING AUTHORITY**

- B. Consider actions relating to the development of a 400-room Wyndham hotel at 800-808 "M" street within the urban renewal plans for the mariposa and convention center redevelopment project areas.

1. Consideration of Environmental Assessment No. C-01-145 for the Wyndham Hotel located on the northeast corner of "M" and Inyo Streets and a future city parking structure located on the southwest corner of Inyo and "O" streets - Development Dept *(Council District 3) (Council action)*

**Action Taken:**

- a. **RESOLUTION** - Approve Environmental Assessment No. C-01-145

**Action Taken:**

2. **RESOLUTION** - Fresno Joint Powers Financing Authority authorizing the execution and delivery of amendments to the site lease and facility lease for the exhibit hall expansion and authorizing the taking of all necessary actions relating thereto *(Authority action)*

**Action Taken:**

3. **RESOLUTION** - Authorizing the execution and delivery of amendments to the site lease and facility lease for the exhibit hall expansion and authorizing the taking of all necessary actions relating thereto *(Council action)*

**Action Taken:**

4. \* **RESOLUTION** - Approving an owner participation agreement between Algen Hotel Development, LLC, the City of Fresno, and the Fresno Redevelopment Agency, and making certain findings *(Agency and Council action)*

**Action Taken:**

5. \* Consider approving a lease and joint use agreement between the City of Fresno and Algen Hotel Development, LLC, for expanded exhibit hall space and banquet facility/meeting rooms within the hotel *(Council action)*

**Action Taken:**

6. Authorize the Executive Director, or his designee, and the City Manager, or his designee, to finalize and execute all documents necessary to the hotel project, subject to approval as to form by the City Attorney *(Agency and Council action)*

**Action Taken:**

8:30 A.M.

**JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED**

7. Receive the Walker Parking Consultant's report and direct staff to move forward with the development of an approximate 1,500 space city parking structure located on the convention center lot and to return with associated timetable, architectural services and financing plan (*Council and Agency action*)  
*Action Taken:*

**ADJOURN FINANCE AUTHORITY**

- C. Receive and accept staff recommendation for funding for Santa Fe Promenade - Council President Perea  
*Action Taken:*
- D. Consider request to approve agreement and stipulation to amend stipulated judgment, extending time to begin and complete construction of improvements on parcel 7 of Civic Center Square area (Tulare, between "N" and "O" streets)  
*Action Taken:*

**ADJOURN AGENCY**

**COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.**

**THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.**

Approve City Council minutes of October 16 and October 23, 2001

*Action Taken:*

Approve Agenda

*Action Taken:*

Adopt Consent Calendar

*Action Taken:*

**TIME SCHEDULED HEARINGS AND MATTERS**

**9:45 A.M. REMOVED FROM AGENDA**

*Action Taken:*

**9:50 A.M.** Appearance by John Davis requesting the City implement and fund California State Disability Insurance Benefits to bolster City employee's sick leave benefits

*Action Taken:*

## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**10:00 A.M.** Presentation of Employee Service Awards (*Reception immediately following, 2<sup>nd</sup> floor foyer*)

**Action Taken:**

**10:45 A.M.** Request City Attorney/City Manager to update Council regarding invitation to County to return to the negotiating table regarding Sphere of Influence - Council President Perea

**Action Taken:**

**11:00 AM#1 HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 30, (Tract 5030)

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
- b. **RESOLUTION** - Calling a special mailed-ballot election
- c. **RESOLUTION** - Declaring election results
- d. \* **BILL** - Levying a special tax for the property tax year 2001-2003 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 30

**Action Taken:**

**11:00 AM#2** Report on recommendations to improve the Urban Growth Management (UGM) Program - Public Works Dept.

**Action Taken:**

**11:15 A.M.** **CONTINUED HEARING** to consider Conditional Use Permit (C.U.P.) Application No. C-01-058, and related environmental findings, filed by Bob Caire for Bill Everett, for 6.59 acres of property located at the southwest corner of N. Golden State Boulevard and W. Shaw Avenue, 4915 N. Golden State Boulevard (*Council District 2*)

**Action Taken:**

- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. C-01-058, dated June 1, 2001
- b. **RESOLUTION** - Approving Conditional Use Permit No. C-01-058

**Action Taken:**

**11:30 A.M.** Initiate General Plan amendment to the circulation element of the Roosevelt Community Plan - Councilmember Quintero

**11:45 A.M.** Request for update on the Red Light Camera issue - Councilmember Duncan

**Action Taken:**

**2:00 P.M.#1** **CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Govt. Code Section 54956.9, subdivision (b)

**Significant Exposure to Litigation:**

- 1. **Case Name:** John and Lupe Flores, dba Yahweh's Best Recycling v. City of Fresno
- 2. **Case Name:** Claim of Anthony A. Elizaldi

**Action Taken:**

## **TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

### **2:00 P.M.#1 CLOSED SESSION CONTINUED**

#### **B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Govt. Code Section 54956.9, subdivision (a)**

1. **Case Name:** Alfred Alvino v. City of Fresno, et al.
  2. **Case Name:** Henry Monreal v. City of Fresno
  3. **Case Name:** Jose Orellana v. City of Fresno
  4. **Case Name:** Thomas Grisso v. City of Fresno, et al.
  5. **Case Name:** Clayton Turner v. City of Fresno, et al.
- Action Taken:**

#### **C. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6**

**City Negotiator(s):** Andrew T. Souza, Severo Esquivel, and Jorge Aguiniga

**Employee Organization(s):**

1. International Union of Operating Engineers, Stationary Engineers Local 39 (Local 39)
2. International Brotherhood of Electrical Workers Local 100 (IBEW)

**Action Taken:**

#### **D. CONFERENCE WITH LEGAL COUNSEL -FRIEND-OF-THE-COURT-PARTICIPATION - Govt. Code Section 54954.2, Subdivision (a)**

1. **Case Name:** Alford v. Superior Court - Amicus Brief

**Action Taken:**

### **2:00 P.M.#2 CONTESTED CONSENT CALENDAR**

#### **5:00 P.M. Opportunities and Solutions Summit Update**

**Action Taken:**

#### **5:30 P.M. CONTINUED HEARING to consider an amendment to the text of the Fresno Municipal Code relating to automobile sales (*Continued from 9/25/01*)**

1. \* **BILL** - repeal, adding and amending sections of the Fresno Municipal code relating to automobile sales

**Action Taken:**

## **GENERAL CONSENT CALENDAR**

**(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)**

### **1A-1. DEPT. OF ADMINISTRATIVE SERVICES**

- a. Award a contract for sanitary sewer rehabilitation by method of cured in place pipe (North Avenue) - Public Utilities

**Action Taken:**

## **GENERAL CONSENT CALENDAR CONTINUED**

### **1A-1. DEPT. OF ADMINISTRATIVE SERVICES CONTINUED**

- b. Approve lease agreement between Virginia Elizabeth Martinez, D.B.A. as Gina's and the City of Fresno for 1231 Van Ness Avenue, a commercial portion of Van Ness and Merced Garage Facility - Facilities Division

**Action Taken:**

### **1A-2. CITY ATTORNEY**

### **1A-3. CITY CLERK'S OFFICE**

### **1A-4. CITY COUNCIL/MAYOR'S OFFICE**

- a. Approve appointment of Rick Ransom to the Civil Service Board - Mayor Autry

**Action Taken:**

- b. \* **RESOLUTION** - 40<sup>th</sup> amendment to the AAR No. 2001-200 by appropriating \$123,100 to fund the Cary Park Inline Hockey Rink - Councilmember Castillo (*Requires 5 affirmative votes*)

**Action Taken:**

### **1A-5. CITY MANAGER**

- a. Transfer of duties and responsibilities under the City's Emergency Ordinance

- 1. \* **RESOLUTION** - 43<sup>rd</sup> amendment to AAR No. 2001-200 to transfer funds from Fire to Police Department (*Requires 5 affirmative votes*)

**Action Taken:**

- 2. \* **RESOLUTION** - 3<sup>rd</sup> amendment to PAR No. 2001-201 to move positions from Fire to Police Department (*Requires 5 affirmative votes*)

**Action Taken:**

- b. Consider continuation of Resolution No. 2001-337, which proclaimed a local emergency in and around the Fresno Yosemite International Airport based upon the threat of enemy attack or sabotage

**Action Taken:**

- 1. \* **RESOLUTION** - Continuing Resolution No. 2001-337, which proclaimed a local emergency in and around the Fresno Yosemite International Airport, based upon continuing existence of facts and circumstances of the threat of enemy attack or sabotage

**Action Taken:**

### **1A-6. CONVENTION CENTER**

### **1A-7. DEVELOPMENT DEPARTMENT**

- a. **RESOLUTION** - Approving the Final Map of Tract No. 5030, Phase IV of Vesting Tentative Map Tract No. 4381 and accepting dedicated public uses therein; a 45-lot single-family residential planned development subdivision on 6.79 acres of property located on W. Holland Avenue between N. Polk and N. Hayes Avenues (*Council District 2*)

**Action Taken:**

## **GENERAL CONSENT CALENDAR CONTINUED**

### **1A-8. FIRE DEPARTMENT**

### **1A-9. DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION**

### **1A-10 PARKS, RECREATION AND COMMUNITY SERVICES**

- a. Authorize execution of food service contract with Fresno County Equal Opportunities Commission  
**Action Taken:**
- b. \* **RESOLUTION** - 38<sup>th</sup> amendment to the AAR No. 2001-200 appropriating \$578,500 in funding from the Wildlife Conservation Board Grant to fund construction of the Riverside and Ellis/Thomason section of the Lewis S. Eaton Trail (*Requires 5 affirmative votes*)  
**Action Taken:**

### **1A-11 POLICE DEPARTMENT**

- a. \* **RESOLUTION** - Authorizing the 42<sup>nd</sup> amendment to the AAR 2001-200 appropriating \$5,900 to continue the ABC Shoulder Tap Program (*Requires 5 affirmative votes*)  
**Action Taken:**

### **1A-12 PUBLIC UTILITIES DEPARTMENT**

### **1A-13 PUBLIC WORKS DEPARTMENT**

- a. Approve the Fourth Amendment to Fresno Metropolitan Flood Control District Agreement No. 451(G)-FF  
**Action Taken:**
- b. \* **RESOLUTION** - 35<sup>th</sup> amendment to AAR No. 2001-200 appropriating \$90,000 to fund completion of construction of the Convention Center Exhibit Hall (*Requires 5 affirmative votes*)  
**Action Taken:**
- c. Approve substitution of Simplex/Grinnell as subcontractor on the Fire Protection System on the Power Generation Facility (PGF) construction project  
**Action Taken:**
- d. **RESOLUTION** - of Intention to annex Final Tract No. 4983 to the City of Fresno Community Facility District No. 2 Annexation No. 31  
**Action Taken:**
- e. Approve an amendment to agreement with Omni-Means, limited to provide professional engineering and planning services for the conceptual design of the Herndon Avenue/Grantland Avenue Interchange  
**Action Taken:**
- f. Approve lease for Central Policing District Administrative staff at 3030 N. Maroa  
**Action Taken:**

## **GENERAL CONSENT CALENDAR CONTINUED**

### **1A-14 RETIREMENT OFFICE**

### **1A-15 TRANSPORTATION DEPARTMENT**

### **1B. CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

### **2. PLANNING AND ZONING ADMINISTRATION**

- A. Consideration of approval of the Housing Element Advisory Committee - Development Dept.  
*Action Taken:*

### **3. GENERAL ADMINISTRATION**

- A. 1. \* **BILL - (Introduced 10/16/01)** - Amending Sections 2-1738, 2-1738A of the Fresno Municipal Code relating to clarification of the status of legally separated spouses  
*Action Taken:*
2. \* **BILL - (Introduced 10/16/01)** - Amending Sections 2-1846 of the Fresno Municipal Code relating to clarification of the status of legally separated spouses  
*Action Taken:*
- B. Consider creation and terms of compensation for Council Analyst classification and authorize seven (7) Council Analyst positions
1. **RESOLUTION - 5<sup>th</sup>** amendment to the PAR No. 2001-201 creating the Council Analyst classification  
*Action Taken:*
2. **RESOLUTION - 7<sup>th</sup>** amendment to the Salary Resolution No. 2001-199 establishing the compensation for the Council Analyst position  
*Action Taken:*

### **4. CITY ATTORNEY**

### **5. CITY COUNCIL**

### **6. CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.



## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

- Nov. 6 - 10:00 A.M. HEARING** re: P.A. No. 01-12, Rezone No. R-01-15, filed by Krazan & Associates
- Nov 6 - 10:15 A.M. HEARING** re: Variance Application No. V-01-011 - Councilmember Calhoun
- Nov. 6 - 10:30 A.M.** Consider approval of \$5,500 from non-departmental general fund for the Boy Scouts facility project - Councilmember Calhoun
- Nov. 6 - 10:45 A.M. HEARING** re: temporary fenced closure of N. Marty, north of the private drive into the planned unit development, north of W. Barstow Ave - Public Works
- Nov. 6 - 11:00 A.M.** Historic Preservation Commission Annual Report - 2000-2001
- Nov. 6 - 11:30 A.M.** Implementation report on Macias Group Recommendations
- Nov. 13 NO MEETING - VETERANS WEEK**
- Nov. 20 NO MEETING - THANKSGIVING WEEK**
- Nov. 27 - 10:00 A.M. HEARING** re: Rezone Appl. No. R-00-001, filed by Richard Ginder
- Nov. 27 - 10:15 A.M. HEARING** re: Rezone Appl. No. R-01-041, filed by Horace Bruno
- Nov. 27 - 10:30 A.M. HEARING** re: Rezone Appl. No. R-01-043, filed by Derrel's Mini Storage
- Nov. 27 - 10:45 A.M. HEARING** re: Rezone Appl. No. P. A. No. A-01-24, R-01-38, C-01-149, filed by Jim Logan, rep. Derrel's Mini Storage
- Nov. 27 - 11:00 A.M. HEARING** re: Rezone Appl. No. P.A. No. 01-20, R-01-31, filed by Country Club Developers
- Nov. 27 - 11:15 A.M. HEARING** re: Rezone Appl. No. re: C.U.P. No. 01-145, filed by Windham Hotel and City parking structure
- Dec. 4 - 10:00 A.M. HEARING** re: CFD No. 2, Annexation No. 31, Tract No. 4983
- Dec. 11 - 10:00 A.M. HEARING** re: CFD No. 2, Annexation No. 32, Tract No. 4911 and 4723
- Dec. 20 - NO MEETING - CHRISTMAS WEEK**